

## Chapter 31

### POLICE AND FIRE ALARMS\*

---

\* **Editors Note:** Ord. No. 1378, § 1, adopted June 2, 1997, substantially amended and renumbered the provisions of former sections 31-2, 31-5--31-10, to read as herein set out. Provisions which originated with Ord. No. 1215, § 1, adopted May 13, 1991, have retained the reference to this ordinance in the parenthetical history note at the end of each section.

**Cross References:** Fire prevention and protection, Ch. 8; destruction of property, § 16-14; police, Ch. 19.

---

#### Sec. 31-1. Purpose.

This chapter is enacted to provide minimum standards and regulations applicable to breaking and entering, holdup and fire alarm systems, alarm businesses and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security or fire response which properly balances quick response by the police and fire departments with minimization of police officer or fire officer time spent on alarms which are false or otherwise not the intended function of such systems. (Ord. No. 1215, § 1, 5-13-91)

#### Sec. 31-2. Definitions.

Within this chapter, the following terms, phrases and words and their derivations have the meanings given herein.

- (a) *Alarm business* means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling or servicing alarm system(s).
- (b) *Alarm system* means any mechanical or electrical equipment designed and arranged to immediately signal or otherwise notify the occurrence or potential occurrence of a fire, breaking and entering or robbery, including, but not limited to, local and other alarms employing an audible signal and/or a flashing light or beacon designed to signal persons outside the premises. Excluded from this definition and from the scope of this chapter are alarms and alarm systems used solely to alert or signal persons within the premises in which the alarm system is located.
- (c) *Answering service* refers to a telephone answering service which receives, on a generally continuous or ongoing basis through trained or other employees, emergency signals from alarm systems and thereafter immediately relays the alarm, signal or message or the fact of the alarm, signal or message by any means or form including, but not limited to, by live voice to the communication or alarm center of the police and/or fire department.
- (d) *Automatic dialing device* means an alarm system which, over regular telephone lines and by direct connection or otherwise, automatically sends a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

- (e) *Breaking and entering alarm system* means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (f) *Direct connection* means an alarm system which has the capability of transmitting system signals to and then receiving them at the city police department or fire department.
- (g) *False alarm* means an alarm notification summoning the city police or fire department to the location of an alarm activation in which the responding police officer or fire personnel finds no evidence of the crimes of breaking and entering, attempted breaking and entering, robbery or attempted robbery or fire emergency. False alarm does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, lightning storms or other systematic electric disturbances or such extraordinary but identifiable cause which, in the opinion of the police chief, or fire chief, cannot be attributed to an intentional or negligent act of the subscriber.
- (h) *Interconnect* means the connection of an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message or alarm upon the activation of the alarm system.
- (i) *Modified central station* means a location to which remote alarm and supervisory signaling devices are connected and in which operators supervise the circuits.
- (j) *Fire chief* means the chief of the city fire department or his/her designated representative.
- (k) *Police chief* means the chief of the city police department or his/her designated representative.
- (l) *Primary trunk line* means a telephone line leading directly into the communication center of the police or fire department that is for the purpose of handling emergency calls on a person-to-person basis, which is identified as such by a specific emergency number or numbers listed in the telephone directory issued by the telephone company, and which covers the service area within the police and fire departments' jurisdiction.
- (m) *Subscriber* means a person who buys, leases, or otherwise obtains a right to utilize an alarm system or related service(s) and thereafter contracts with, hires or retains an alarm business to monitor and/or service the same.

(Ord. No. 1215, § 1, 5-13-91; Ord. No. 1378, § 1, 6-2-97)

### **Sec. 31-3. Administrative rules.**

The police chief and fire chief shall each promulgate such written rules as may be necessary for the implementation of this chapter and its intent as to their respective departments. Such rules shall require the prior approval of the city manager and shall be open to inspection by the public.

(Ord. No. 1215, § 1, 5-13-91)

#### **Sec. 31-4. Automatic dialing devices prohibited.**

(a) No person shall interconnect any automatic dialing device to the city police or fire department's primary trunk line.

(b) The police chief and fire chief may each approve a direct telephone line to provide live voice communication installation between a modified central station or an answering service to his or her respective department but only if the full costs thereof shall be borne by the party or parties requesting the same.

(c) Except for city-owned buildings, no alarm system shall be operated or programmed to initiate, transmit, or deliver by automatic means to the police and/or fire department an alarm notification described as a "panic," "disturbance," "police alert," "fire alert," "medical emergency," or other similar automatic alert. (Ord. No. 1215, § 1, 5-13-91)

#### **Sec. 31-5. Direct connections to police and fire departments.**

Direct connections to City of Midland police and fire departments shall not be permitted. (Ord. No. 1215, § 1, 5-13-91; Ord. No. 1378, § 1, 6-2-97)

#### **Sec. 31-6. Testing.**

(a) No alarm system designed to transmit emergency messages directly to the police or fire department shall be tested or demonstrated without first notifying the police or fire dispatcher and receiving permission.

(b) No alarm system relayed through any intermediary service to the police or fire department shall be tested to determine police or fire response without first notifying the police or fire dispatcher and receiving permission. (Ord. No. 1215, § 1, 5-13-91; Ord. No. 1378, § 1, 6-2-97)

#### **Sec. 31-7. Notification of disruption.**

When an alarm business' service to its subscriber(s) is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify its subscriber(s) by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber(s) not to make such notification by telephone during certain hours, the alarm business may comply with such instruction(s). (Ord. No. 1215, § 1, 5-13-91; Ord. No. 1378, § 1, 6-2-97)

#### **Sec. 31-8. False alarm response fee.**

A fee for a violation of this chapter shall be imposed as provided in Chapter 21, Article 6. (Ord. No. 1378, § 1, 6-2-97)

#### **Sec. 31-9. Disconnection of alarm device or system.**

(a) The police chief and fire chief are each authorized to require an alarm business to disconnect any subscriber of an alarm system to his or her respective department when such device(s) or system produces, in the sole judgment of the chief involved, an excessive number of false alarms; provided, however, such authority to require disconnection shall not extend to city owned buildings.

(b) Disconnection for excessive false alarms shall not be ordered unless the requirements set forth in this subsection have been complied with:

- (1) Five (5) false alarms for which a fee has been imposed have been responded to in any calendar year and a warning letter has been sent to the subscriber after the fourth false alarm.
- (2) The subscriber is placed on a probationary period for six (6) months and has been so notified in writing.
- (3) Three (3) false alarms for which a fee has been imposed have been responded to during such probationary period.

(c) The police chief or fire chief may suspend the disconnection during the six-month period if the subscriber provides to either chief convincing proof, to his or her sole satisfaction, that effective and permanent corrective action has been taken.

(d) The subscriber to an alarm system which has been ordered disconnected by either the fire or police chief has the right to appeal such action in writing to the city manager.

(e) Notwithstanding any other provision of this section, disconnection shall be ordered in the event any subscriber is more than ninety (90) days delinquent from the date of the invoice in paying in full any police or fire department response fees, except where a fire alarm system is required by Chapter 8 of the Code of Ordinances of the City of Midland.

(Ord. No. 1215, § 1, 5-13-91; Ord. No. 1378, § 1, 6-2-97)

### **Sec. 31-10. Liability for expense of false alarm response.**

(a) *Person responsible.* The subscriber of an alarm system is liable for the expense of a false alarm response by any member of the police or fire department.

(b) *Charge against person.* The expense of a false alarm response shall be a charge against a subscriber and shall be construed as a civil liability only. The charge constitutes a debt owed by that subscriber to the city and is due and collectible by the city in the same manner as in the case of an obligation under an express or implied contract.

(c) *Cost recovery schedule.* The city council shall, by ordinance, adopt a schedule of fees for a false alarm response. Such schedule shall be available to the public from the city clerk.

(d) *Billing.* The director of fiscal services or his or her designees, shall, within ten (10) days of receiving notification from the police or fire department of a false alarm response, submit a bill for the fee by first class mail or personal service to the subscriber for the expenses enumerated in this chapter. The bill(s) shall

require full payment within thirty (30) days from the date of service.

(e) *Failure to pay.* Any failure by the subscriber to pay for the expense of a false alarm response within thirty (30) days of the service of a bill shall be considered in default. In case of default, the city may commence civil suit to recover such expenses plus any costs allowed by law.

(f) *New alarm systems.* In the event that the police chief or fire chief is notified of the date of the installation of a new alarm system, the fees imposed by this section may be waived by the chief for not more than ninety (90) days beginning with the date of installation.

(Ord. No. 1378, § 1, 6-2-97)